

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
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SENATE

Wednesday, January 5, 1921.

Pursuant to the provisions of the Constitution and laws of the State of Maine, the senators-elect to the 80th Legislature convened in the Senate Chamber and were called to order by P. F. Crane, secretary of the Senate of 1919.

Prayer was offered by Rev. James H. Ecob of Augusta.

The following communication was read by the secretary:

STATE OF MAINE

Office of the Secretary of State
To Percy F. Crane, Secretary of the
Senate: of the 79th Legislature.

In compliance with Section 28, Chapter 2 of the Revised Statutes, I hereby certify that the following are the names and residences of the senators-elect to the 80th Legislature, as appears by the report of the Governor and Council under date of October 6, 1920:

First Senatorial District—Harmon G. Allen, Sanford; Wilbur D. Spencer, Berwick; George N. Stevens, Kennebunkport.

Second Senatorial District—George H. Babb, Sebago; Percival P. Baxter, Portland; Charles E. Gurney, Portland; Matthew C. Morrill, Gray.

Third Senatorial District—Frederick O. Eaton, Rumford.

Fourth Senatorial District—Donald B. Garcelon, Auburn; Edward R. Parent, Lewiston.

Fifth Senatorial District—Charles R. Hall, Wilton.

Sixth Senatorial District—Rupert H. Baxter, Bath.

Seventh Senatorial District—Herman H. Adams, Belgrade; William O. Cobb, Gardiner; Frank G. Farrington, Augusta.

Eighth Senatorial District—Walter S. Bemis, Harmony; Leroy R. Folsom, Norridgewock.

Ninth Senatorial District—John F. Sprague, Dover.

Tenth Senatorial District—Patrick H. Gillen, Bangor; Frank P. Morison, Corinth; George W. Thombs, Lincoln.

Eleventh Senatorial District—Herbert A. Clark, Jefferson.

Twelfth Senatorial District—Rodney I. Thompson, Rockland.

Thirteenth Senatorial District—James J. Clement, Montville.

Fourteenth Senatorial District—Arthur B. Holt, Gouldsboro; Percy G. Sargent, Sedgwick.

Fifteenth Senatorial District—Roscoe C. Emery, Eastport; Varney A. Putnam, Danforth.

Sixteenth Senatorial District—Delmont Emerson, Island Falls; A. R. Gould, Presque Isle; Leander E. Tuttle, Caribou.

In testimony thereof I have caused the seal of the State of be hereunto affixed at Augusta, this 5th day of January, A. D. 1921, of the Independence of the United States of America the one hundred and forty-fifth.

(Signed) FRANK W. BALL,
Secretary of State.

Roll Call

The roll being called the following named senators-elect responded to their names: Messrs. Adams, Allen, Babb, Baxter of Cumberland, Baxter of Sagadahoc, Bemis, Clark, Clement, Cobb, Eaton, Emerson, Emery, Farrington, Folsom, Garcelon, Gillen, Gurney, Hall, Holt, Morison, Morrill, Parent, Putnam, Sargent, Spencer, Sprague, Stevens, Thombs, Thompson, Tuttle—30.

Thirty senators having answered to their names the secretary declared a quorum present.

Mr. Thombs of Penobscot, moved that a message be sent to the Governor and Council informing that body that a quorum of senators-elect of the 80th Legislature is present in the Senate Chamber, ready to take and subscribe the oaths of office required by the Constitution to qualify them to enter upon their official duties.

The motion prevailed, and Mr. Thombs was appointed to convey such message, and thereafter reported that he had delivered the message with which he was charged.

Senators Take the Oath

The Governor and Council there-

upon came in before whom the Senators-elect took and subscribed the oaths required by the Constitution, and the Governor and suite then withdrew.

Election of President

On motion by Mr. Morrill of Cumberland, that senator with Messrs. Farrington of Kennebec and Bemis of Somerset, were appointed by the secretary a committee to receive, sort and count votes for President of the Senate.

The committee reported the whole number of votes cast, thirty. Mr. Percival P. Baxter of Cumberland, received 30 votes, and was declared elected President of the Senate of the 80th Legislature.

Mr. Morrill of Cumberland, conducted the President to the chair. (Applause.)

Mr. MORRILL: Follow Senators, at this present moment of my life I have a job a little out of my line, but it is my pleasure to present to you your President. (Applause.)

The President's Address

Senators of the 80th Legislature of the State of Maine, you have conferred upon me the highest honor within your power. You have at the same time placed grave responsibilities upon me. I accept the honor with the hope that as the Session progresses I may prove worthy of a continuance of your confidence. I face the responsibilities without fear, believing that we by working loyally together will prove equal to whatever occasion arises, and that we shall be true to the trust which the people of the State of Maine have imposed upon us.

It is the duty of the presiding officer of this Senate to guide its deliberations along the well established paths of parliamentary procedure, to give ample opportunity for expressions of opinion, to present questions in clear and distinct form for your decision, and to do whatever is necessary and proper to aid in the prompt and orderly transaction of business.

As your chosen representative I dedicate to your service whatever abilities I possess, and together we

pledge ourselves to labor unselfishly for the highest welfare of our State. We enter upon this Legislative Session in the spirit of cooperation and with high ideals. As the Session advances we must hold fast to these ideals for by so doing we shall earn the satisfaction of having done our work faithfully and well.

The people of our country are fortunate beyond all other peoples. The Liberty for which our ancestors fought, and which we now enjoy has often been accepted by us in a spirit of indifference and without a proper appreciation of what it signifies. Absorbed in our own selfish pursuits we take too little thought of the morrow, and we fail to realize that danger may threaten this Liberty which we now value so lightly. We must take care lest we lose what might not easily be regained.

As members of this Senate we are chosen by the men and women of Maine to perpetuate the ideals and to guard the foundations of a free, self-governing State. The form of Government now established in this Country of ours, is the best and will prove to be the most enduring form that has been devised by man. Throughout the ages men have struggled to obtain liberty of life, speech, action and conscience, a liberty which while insisting upon the rights of the individual, at the same time adjusts itself to and acknowledges the liberties and rights of others. The founders of our Country laid the foundation of this Liberty and set the standard for the World. It is for us to transmit it unsullied to those who follow.

In our system of Government all power is inherent in the people. Whatever is decreed as the Law by the people must remain the Law until repealed in lawful manner. As time passes and progress is made it becomes necessary to make changes in our laws and institutions. These changes can always be made without violence when a sufficient number of citizens demand them. There is danger to our institutions, however, when one group or class attempts to dictate to and control the State.

Any government of the whole by a class or group would be unbearable and would mean the end of the Republic. The paid representatives of classes and groups, of special interests and special privilege are always present during Legislative Sessions. These Legislative Halls are frequented by selfish plausible men who often attempt to control those of us who are here to represent all the people. We must stand firmly against these group or class interests whoever they are and whatever they represent because for the time being we are entrusted with the perpetuation of this government, the foundations of which are justice to all and special privilege to none.

An unusual situation presents itself in this Senate. The people of Maine have shown their confidence in one political party. Today by reason of that confidence one party has unlimited power. The possession of power sobers right-minded, right-thinking men and brings to them the realization that power means responsibility. I firmly believe that every Senator desires to act for the highest interest of the State and that party politics were forgotten the moment the oath of office was taken. Regardless of party affiliations we today represent the people of the entire State. Parties are desirable and necessary in our system of government, but they must stand for principle and not for profit, for service and not for selfishness. (Applause.)

It is no trifling honor to be chosen a Senator of the State of Maine. This is a dignified body of representative citizens whose acts become the supreme law of the community except as these acts are limited by the express provision of our State and National Constitutions. I should not care to accept the honor of presiding over this Senate of typical Maine men unless I felt that I possessed your confidence and your good will. There is serious work before us for three months to come and we often shall need to take counsel together. Although you have placed me in this position of authority I remain a member of this Senate, and

shall work with you to make the record of the 80th Legislature an enviable and an honorable one. This work is both yours and mine; it is our work. We shall be judged fairly and according to our deserts and what is of more importance we shall be our own judges, because a man's conscience looks beneath the surface and searches the heart. Together we face the problems of the day and together we shall use all honorable means to solve them.

Senators, the Chair awaits your pleasure. (Applause.)

On motion by Mr. Cobb of Kennebec, that senator with Messrs. Gould of Aroostook and Stevens of York, were appointed a committee to receive, sort and count votes for secretary of the Senate.

The committee reported 29 votes cast. L. E. Thornton had 29 votes.

The report was accepted and L. E. Thornton of Augusta was declared elected secretary of the Senate.

The Chair appointed Mr. Cobb to conduct the secretary to the council chamber to take and subscribe the oaths necessary to qualify him for his duties. Subsequently the senator reported that he had discharged the duty with which he was charged.

At this time Mr. Tuttle of Aroostook announced the presence of Senator Gould of Aroostook, and that he had taken and subscribed the oaths necessary to qualify him for his duties as a senator.

On motion by Mr. Allen of York, that senator with Messrs. Parent of Androscoggin and Emery of Washington, were appointed a committee to receive, sort and count votes for assistant secretary of the Senate.

The committee reported 31 votes cast. Harry P. Hawes had 31 votes.

The report was accepted and Harry P. Hawes was declared elected assistant secretary of the Senate.

Secretary Thornton at this time assumed the duties of his office.

On motion by Mr. Adams of Kennebec, that senator with Messrs. Thompson and Morison were appoint-

ed a committee to receive, sort and count votes for messenger.

The committee reported that James F. Ashford had 30 votes, the report was accepted and the Chair declared James F. Ashford elected messenger of the Senate.

Mr. ALLEN of York moved that the secretary of the Senate cast the ballot of the Senate for Stephen D. Lord of Lebanon for assistant messenger, W. W. Brown of Bowdoinham for first folder, Phillip T. Carroll of Lubec for second folder, W. M. Stewart of Newport for postmaster, and Mellen Tryon of Pownal for doorkeeper.

The motion was adopted, the secretary cast the vote as directed, and the Chair declared the several officers elected to their respective positions.

Mr. RABB of Cumberland moved that the President of the Senate be authorized to appoint two pages for the Senate.

The motion was agreed to and the President appointed George H. Chick of Monmouth and Charles H. Porter of Augusta.

On motion by Mr. Emerson of Aroostook, it was Ordered, that Fred W. Lee of Augusta be appointed official reporter of the Senate with the same compensation as paid at the last regular session of the Legislature.

On motion by Mr. Baxter of Sagadahoc, that senator was appointed to convey a message to the House of Representatives informing that body that the Senate is duly organized by the choice of Hon. Percival P. Baxter of Cumberland as president; L. Ernest Thornton of Augusta as secretary and Harry P. Hawes of Vassalboro as assistant secretary.

The senator conveyed the message and subsequently reported that he had performed the duty with which he was charged.

On motion by Mr. Gillen of Penobscot, it was Ordered, that a message be sent to the Governor and Council informing that body that the Senate is duly organized by the choice of Hon. Percival P. Baxter of Cumberland as President; L. Ernest Thornton as secretary, and Harry P. Hawes as assistant secretary.

The Chair appointed Senator Gillin to convey the message. Subsequently the senator reported that he had delivered the message with which he was charged.

On motion by Mr. Putnam, Washington, it was Ordered, that the secretary of the Senate be authorized to procure the services of two stenographers for the present session, one for the office of the President, and one for the secretary of the Senate.

On motion by Mr. Stevens of York, it was Ordered, the House concurring, that returns for votes for Governor given in the several cities, towns and plantations of the State for the political years 1921 and 1922 be referred to a joint select committee of seven on the part of the Senate with such as the House may join.

The Chair appointed as such committee on the part of the Senate: Messrs. Stevens of York, Sargent of Hancock, Emery of Washington, Adams of Kennebec, Clark of Lincoln, Folsom of Somerset, and Clement of Waldo.

Sent Down for concurrence.

On motion by Mr. Gurney of Cumberland, it was

Ordered, that a committee of seven be appointed by the President to whom the returns of the votes for senators for the political years 1921 and 1922 shall be referred for examination and report.

The President thereupon appointed as such committee, Messrs. Gurney of Cumberland, Baxter of Sagadahoc, Cobb of Kennebec, Parent of Androscoggin, Holt of Hancock, Thombs of Penobscot, and Gould of Aroostook.

On motion by Mr. Hall of Franklin, it was

Ordered, the House concurring, that the members and officers of the Legislature be furnished with express and parcel post transportation for all packages and department reports in a sum not exceeding five dollars for each member and officer thereof, and that such transportation be furnished and expended under the direction of the State library depart-

ment. Any unexpended balance at the close of the year 1921 shall be available for use in 1922.

Sent down for concurrence.

On motion by Mr. Sargent of Hancock, it was

Ordered, that the Secretary of the Senate prepare and have printed 150 diagrams of the Senate Chamber for the use of the Senate.

On motion by Mr. Sprague of Piscataquis, it was

Ordered, that the Secretary of the Senate be directed to furnish each member and officer of the Senate with three daily papers, published in the State, such as each member or officer may select.

On motion by Mr. Eaton of Oxford, it was

Ordered, that the secretary of State be directed to furnish for the use of the Senate four copies of the Revised Statutes of the State, one copy each of the Holy Bible, Webster's International, Worcester's Unabridged and Standard Dictionaries, Lippencott's Pronouncing Gazetteer, Reed's Rules and Cushing's Law and Practice of Legislative Assemblies.

On motion of Mr. Morrill of Cumberland, it was

Ordered, that the Secretary of the Senate be authorized to furnish wrappers and postage stamps for each member and officer of the Senate not to exceed five dollars in amount each, for the purpose of distributing the various reports of the departments of State, and other public documents such as they may desire to mail to the citizens of the State.

On motion by Mr. Spencer of York, it was

Ordered, the House concurring, that the joint rules and orders of the 79th Legislature be the joint rules and orders of this Legislature, with the following exceptions:

"Amend paragraph 1 on the joint rules by inserting in its proper alphabetical order in the list of joint committees, the following: 'on State Sanitorium.' Also amend said para-

graph 1 by changing the name of the committee 'State school for boys, State school for girls, and women's reformatory,' so that it shall read 'State school for boys, State school for girls and State reformatory.'"

Sent down for concurrence.

On motion by Mr. Clement of Waldo, it was

Ordered, that the secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate in rotation during the present session.

On motion by Mr. Tuttle of Aroostook, it was

Ordered, that the rules and orders of the Senate of the 79th Legislature be the rules and orders of this Senate.

On motion by Mr. Garcelon of Androscoggin, it was

Ordered, that the official reporter of the Senate be authorized to procure the services of a typewriter operator during the present session at an expense not exceeding \$350; also an assistant reporter at an expense not exceeding \$600 for the preparation and completion of the legislative record.

On motion by Mr. Hall of Franklin, it was

Ordered, that the State Librarian be directed to provide each member and officer of the Senate with a copy of the Acts and Resolves of the 79th Legislature.

On motion by Mr. Sargent of Hancock, it was Ordered, the House concurring, that a joint committee consisting of two members on the part of the Senate and such as the House may join be appointed with full authority to make a contract with the New England Telegraph and Telephone Company for telephone service for the members of the 80th Legislature for matters connected with their official duties.

The Chair appointed on such committee on the part of, the Senate, Messrs. Sargent of Hancock and Bemis of Somerset.

Sent down for concurrence.

On motion by Mr. Parent of Androscoggin, it was Ordered, that the President of the Senate be authorized to appoint a document clerk to have the custody of the Senate documents.

The Chair thereupon appointed Major George A. Dow of Portland as document clerk for the Senate.

On motion by Mr. Eaton of Oxford, it was Ordered, that the Senate hold one session a day commencing at 10 o'clock in the forenoon, until otherwise ordered.

On motion by Mr. Garcelon of Androscoggin, it was Ordered, the House concurring, that the secretary of the Senate and the clerk of the House jointly prepare a Senate and House Register, and that 2000 copies be printed for the use of the Legislature.

Sent down for concurrence.

Communications from the Executive and Heads of Departments

A communication was received from the office of the State Auditor transmitting an estimate in detail of the cost of the session of the Legislature, of all salaries fixed by law, of the general departmental expenses of the State government, and of the ordinary current expenses or maintenance of State institutions, which may be required for the period prior to the adjournment of this Legislature.

The report was tabled on motion by Mr. Hall of Franklin.

A communication was received from the office of the Secretary of State transmitting a report of the votes cast upon the proposed constitutional amendments and upon the referendum question submitted to the electors of the State at the election held September 13, 1920.

Placed on file and sent down for concurrence.

A communication was received from the office of the Secretary of State transmitting the returns of the votes given by the several cities, towns and plantations in this State, for governor, on the 13th day of September last.

Referred to the committee on

Gubernatorial vote, and sent down for concurrence.

A communication was received from the office of the Secretary of State transmitting the returns of votes given by the several cities, towns and plantations in this State on the 13th day of September last for senators.

Referred to the committee on Senatorial vote.

STATE OF MAINE

Executive Chamber

Augusta, Maine, Jan. 5, 1921.

To the Honorable Senate and House of Representatives:

In compliance with the constitution of the State I herewith transmit to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years 1919 and 1920, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation or pardon, and the conditions, if any, upon which the same was granted.

(Signed) CARL E. MILLIKEN,

Governor.

Placed on file and sent down for concurrence.

The PRESIDENT: The two committees in relation to the Gubernatorial vote and the Senatorial vote are requested to organize as promptly as possible and make their reports so that they can be acted upon this afternoon.

Message from the House

A message was received from the House informing this body that the House had organized by the election of Charles P. Barnes of Houlton as Speaker, Clyde R. Chapman of Belfast as Clerk and Roy C. Fish of Belfast as assistant clerk.

On motion by Mr. Thompson of Knox a recess was taken until 2.30 o'clock this afternoon.

AFTERNOON SESSION

Senate called to order by the President at 2.40 o'clock.

On motion by Mr. Emerson of Aroostook, it was

Ordered, that a message be sent to the House of Representatives proposing a convention of the two branches of the Legislature forthwith in the hall of the House for the purpose of electing a secretary of State, treasurer of State, attorney general, commissioner of agriculture, and seven executive councilors.

The secretary conveyed the message and subsequently reported that he had delivered the message with which he was charged.

Message from the House

A message was received from the House conveyed by the clerk informing this body that the House concurred in the proposition for a joint convention to be held forthwith in the hall of the House for the purpose of electing a secretary of State, treasurer of State, attorney general, commissioner of agriculture, and seven executive councilors.

The PRESIDENT: The Senate hears the message from the House.

The Senate thereupon proceeded to the hall of the House for the purpose of holding a joint convention.

(For proceedings in joint convention see House Report).

Upon the return of the Senate to its chamber the Senate was called to order by the President.

Committee Report

Mr. Gurney from the committee to which was referred the examination and counting of the senatorial vote, submitted the following report:

STATE OF MAINE

The committee to which was referred the returns of votes cast for senators from the several districts at the State election held on the 13th day of September, 1919, has attended to its duty and ask leave to report as follows:

The following persons have received a plurality of the votes cast in their respective districts, and are, therefore, elected senators:

First Senatorial District—Harmon G. Allen, Sanford; Wilbur D. Spencer, Berwick; George N. Stevens, Kennebunkport.

Second Senatorial District—George H. Babb, Sebago; Percival P. Bax-

ter, Portland; Charles E. Gurney, Portland; Matthew C. Morrill, Gray.

Third Senatorial District—Frederick O. Eaton, Rumford.

Fourth Senatorial District—Donald B. Garcelon, Auburn; Edward R. Parent, Lewiston.

Fifth Senatorial District—Charles R. Hall, Wilton.

Sixth Senatorial District—Rupert H. Baxter, Bath.

Seventh Senatorial District—Herman H. Adams, Belgrade; William O. Cobb, Gardiner; Frank G. Farrington, Augusta.

Eighth Senatorial District—Walter S. Bemis, Harmony; Leroy R. Folsom, Norridgewock.

Ninth Senatorial District—John F. Sprague, Dover.

Tenth Senatorial District—Patrick H. Gillen, Bangor; Frank P. Morison, Corinth; George W. Thombs, Lincoln.

Eleventh Senatorial District—Herbert A. Clark, Jefferson.

Twelfth Senatorial District—Rodney I. Thompson, Rockland.

Thirteenth Senatorial District—James J. Clement, Montville.

Fourteenth Senatorial District—Arthur B. Hold, Gouldsboro; Percy G. Sargent, Sedgwick.

Fifteenth Senatorial District—Roscoe C. Emery, Eastport; Varney A. Putnam, Danforth.

Sixteenth Senatorial District—Delmont Emerson, Island Falls; A. R. Gould, Presque Isle; Leander E. Tuttle, Caribou.

The report was accepted.

Orders of the Day

On motion by Mr. Garcelon of Androscoggin, it was

Ordered, that one thousand copies of the speech of acceptance by the President of the Senate be printed for the use of the Senate.

On motion by Mr. Farrington of Kennebec,

Adjourned until tomorrow morning at 10 o'clock.